

P Present status of special education
23 in Montana: "what is" in special
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PRESENT STATUS OF SPECIAL EDUCATION
in Montana

"What Is" in Special Education

prepared by the
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
State Capitol
Helena, Montana
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The purpose of this study has been to define the boundaries of current special education programs in Montana. These include primarily legal limits, although financial and operational constraints are also described.

This particular study is part of a larger effort to study programs and funding for special education and to recommend alternative changes to the 1974 Legislative Assembly. The next report will be a statement of "What Should Be" in special education, as opposed to "What Is."

The first ten pages are a summary of the major points to be made in the specific areas previously identified for the study. Questions left unanswered by the summary pages may be pursued in the rest of the report, which simply provides greater detail in making the same points.

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Q U E S T I O N S

1. Who is a handicapped student?
2. What age range of students is served by special education?
3. When is special education mandatory? When is it permissive?
4. What kinds of special education classes and programs exist?
5. What standards exist for special education programs?
6. What financial assistance does the state provide for special education programs?
7. How are handicapped students identified, evaluated and placed in appropriate programs?
8. What procedures exist for approving special education programs?
9. What optional ways for delivering services exist?

1. Who is a handicapped student?

The audience for special education is broadly classified into the mentally retarded and the physically handicapped. A "mentally retarded child" has a mental ability which is below that of an average Montana child, and which prevents him from learning through regular classroom instruction.

A "mentally retarded child" may be classified as

1. "educable," if, at maturity, his intellectual functioning is expected to be between that of a normal seven-year-old and a normal eleven-year-old;
2. "trainable," if, at maturity, his intellectual functioning is expected to be less than that of a normal seven-year-old, but he can walk, maintain clean body habits and obey simple commands;
3. "custodial," if there is little likelihood of his learning clean habits or intelligible communication.

A "physically handicapped child" is capable of learning through regular classroom instruction, with the help of special equipment or services.

"Special education," then, is a school program requiring special facilities or instructional techniques in order to provide a real learning opportunity for mentally retarded or physically handicapped children.

For further information about definitions of handicaps see Appendix A.

2. What age range of students is served by special education?

Mentally retarded or physically handicapped children may be served by public school programs in Montana if, in the language of the law, they are in the age range from "...under the age of six years" (1974 RCM 75-7806 (5)) to "not more than 25 years of age" (1974 RCM 75-7806 (6)).

In essence, districts may provide programs for, and receive state assistance because of, any person 25 years of age or younger who is mentally retarded or physically handicapped.

For further information about the age range served see Appendix B.

3. When is special education mandatory? When is it permissive?

Montana school districts are required by law to provide special education classes when there are

- (a) ten or more "educable" mentally retarded children, or
- (b) ten or more physically handicapped children, or

- (c) seven or more "trainable" mentally retarded children in the district

School districts may establish special education classes for four or more children and receive financial assistance from the state.

The parents of four or more children who share the same kind of handicap may petition each district to provide a special education program. This may also occur if the children and parents reside in contiguous school districts in which case the parents may petition each district to provide a program cooperatively.

For more information about permissive or mandatory services see Appendix C.

4. What kinds of special education classes and programs exist?

The Superintendent of Public Instruction has the duty to determine "the type of instruction required by children needing special education." Three types of programs are commonly approved by the Superintendent for both mentally retarded and physically handicapped children.

1. Self-contained classroom

The self-contained pattern must provide a classroom program for a least one-half day taught by a teacher trained to serve a specific kind of handicapping condition (mentally retarded or physically handicapped). One special education teacher can be approved to provide services for no more than one class of handicapped students. The special education teacher must be involved in program planning for a handicapped student when he is integrated into the regular classroom.

2. Resource room

The resource room service pattern provides for handicapped students to leave their regular class placement for one or more periods each day for instruction or special tutoring. Such programs may exist in several locations within one school district or be shared among more than one school district. The teacher must be properly certified and endorsed in special education and may provide education and training for all handicapping conditions. However, the special education course work emphasized in the teacher's training program should be appropriate for the kinds of handicapped students being served.

3. Itinerant services

The itinerant service pattern includes services to handicapped students who are enrolled in regular classes. In some cases, special services are supplied directly to individual handicapped persons. In other cases, the regular teacher or parents are given special instruction on how to help the student. Frequently, both direct contact with students and parent and teacher consultation may be provided.

For further information about kinds of special education classes and programs see Appendix D.



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5. What standards exist for special education programs?

The Superintendent of Public Instruction has the duty of approving special education classes which comply with "the laws of the state of Montana, policies of the Board of Education and the regulations of the Superintendent of Public Instruction." Consequently, a set of standards have been prepared.

The standards prescribe conditions which shall be considered acceptable within each kind of class of program (see Appendix D), as it applies to each classification of handicapped person. Very briefly, the standards determine:

- (a) student eligibility (listing the criteria for judging a child's intellectual, physical and emotional conditions)
- (b) class size (to insure a favorable learning opportunity)
- (c) age span (to minimize the range of ages in a single class)
- (d) teacher qualifications (to insure proper care and instruction), and
- (e) facilities (to create a favorable learning environment and necessary therapeutic equipment).

For further information about standards for special education classes and programs see Appendix E.

6. What financial assistance does the state provide for special education programs?

It is necessary for each school district having a program of any size to develop a program plan within the district. This plan should involve specific objectives for the education, training and corrective activities which are intended to meet the broad goals of the program. Within the plan, consideration should be given to obtaining the resources which will enable the special education personnel to sufficiently meet the program objectives. Finally, the program should contain evaluative criteria which relate specifically to the program objectives. These criteria are used to ascertain the effectiveness of the program.

The special education application procedure requires a budget for special education to be submitted with each elementary and/or secondary school district application and program plan. Prorated regular school program costs may be included in the budget.

Funds may be transferred from one budget line item to another at any time during the school year; however, special education personnel in the district should assist with the planning for the transfer of such funds.

School districts are expected to develop their program plans to provide comprehensive services for handicapped students and use their special education monies to provide the appropriate resources for meeting specific program objectives.

The following procedures for determining ANB for state-approved programs have been established.

1. Special education class (self-contained classroom)

Students enrolled in a self-contained special education class for the mentally retarded or physically handicapped are not included in the regular ANB calculation for the district. ANB for these special education classes is determined as follows:

- a. A self-contained class having not less than seven nor more than fifteen students may be counted as 45 ANB and this special education ANB added to the regular ANB for this district.
- b. An approved self-contained special education class having not less than four nor more than six students may be counted on the basis of six ANB per student and this special education ANB added to the regular ANB for the district.

Example

Class of four students

$4 \times 6 \text{ ANB} = 24 \text{ ANB for the class}$

Class of five students

$5 \times 6 \text{ ANB} = 30 \text{ ANB for the class}$

Class of six students

$6 \times 6 \text{ ANB} = 36 \text{ ANB for the class}$

2. Resource Room

A full-time resource room program must have a minimum of seven students and have no more than twenty-four students to earn the maximum of 45 ANB.

Twenty-four ANB may be earned for a program which provides for four students, thirty ANB for five students, and thirty-six ANB for six students; but the students and/or their teachers and parents must be seen a minimum of three days a week for at least two-hour periods.

3. Itinerant Service Programs

a. Speech and Hearing Program

A student regularly enrolled in school and participating in a speech and hearing program is included in the regular ANB calculation for the district. In addition the district may obtain supplementary special education ANB for the speech and hearing program. The students participating in such a program may also be enrolled in another special education program but the majority of the case load should be from the regular school program. The speech and hearing program must be applied for along with the regular special education application by the first Monday in February.

Such special education ANB, calculated as provided below, may not exceed 45 ANB per clinician.

one clinician employed 5 days per week = 45 ANB
(full-time)

one clinician employed 4 days per week = 36 ANB

one clinician employed 3 days per week = 27 ANB

one clinician employed 2 days per week = 18 ANB

one clinician employed 1 day per week = 9 ANB

Varying amounts of the ANB calculation may be awarded when districts share speech and hearing services, but again, the 45 ANB limit may not be exceeded.

When a district requests state approval of a speech and hearing program, the district superintendent must submit a written statement to the Superintendent of Public Instruction indicating the amount of time the clinician will be employed in the speech and hearing program.

b. Homebound and/or Hospitalized Programs

A student enrolled for the entire school year in a full-time individual homebound and/or hospitalized program is not included in the regular ANB calculation for the district. Instead, he may be counted for a maximum of six ANB, and this special education ANB added to the regular ANB for the district.

A student enrolled for a part of the school year in a special program is included in the regular ANB calculation for the district for the time he spends in the regular class. He is excluded from the regular ANB but included in the special education ANB for the time he spends in the homebound and/or hospitalized program. School officials may report to the Superintendent of Public Instruction the time the special program was operating. The homebound and/or hospitalized programs may be applied for at any time during the school year and additional budgeting authority will be awarded after the completion of the school year.

The special education ANB for the homebound and/or hospitalized program is obtained by dividing the number of special education days by 180 and multiplying the result by six.

The special education ANB so obtained is to be added to the regular ANB calculated from the aggregate attendance and absence while in the school's regular classes. When the student is not enrolled in regular classes because of enrollment in a special program, he is considered as "dropped" from the regular attendance roll for regular ANB purposes.

Enrollment data by county for schools with and without special education programs during 1972-73 are presented in Table 1. As this table shows, 83% of the secondary students and 94% of the elementary students are in counties that have some special education programs.

Counties without special education programs in 1972-73 are marked in Figures 1 and 2. An examination of Table 1 and Figures 1 and 2 indicates that with few exceptions the counties who do not have special education programs tend to be the counties with small enrollment. The distribution of special education programs by district size is presented in Figures 3 and 4. These figures reemphasize the lack of special education programs in the smaller districts.

The number of students and Average Number Belonging (ANB) in each of the four major types of special education programs during the 1972-73 school year (the latest data available) are presented in Tables 2 and 3 respectively. There are clearly more speech therapy students (65% of the total) than all other special education students combined. The largest proportion of ANB, however, is awarded for educable mentally retarded (EMR) students (62%), with speech therapy students next at 26%. These two categories alone account for 88% of the total special education ANB.

Data describing enrollment trends over the eight year period from 1966-1967 school year to the 1973-1974 school year for Educable Mentally Retarded (EMR), Trainable Mentally Retarded (TMR), and Speech Therapy (ST) students are presented in Figures 5, 6, and 7 respectively. Also included are the average (mean) student increase and Average Number Belonging (ANB) increase per year. These averages are conservative in comparison to current increases since the rate of yearly increase appears to be accelerating.

The arrow on the right side of each figure indicates an estimate of the total number of children in Montana qualified for the Special Education program. The differences between this estimate and the projected 1973-74 enrollment on the figure gives an indication of the number of students unidentified or unserved at the present time.

T A B L E 1

ENROLLMENT BY COUNTY 1971-72*

County	HIGH SCHOOL ENROLLMENTS		ELEMENTARY ENROLLMENTS	
	with S.E.	without S.E.	with S.E.	without S.E.
Beaverhead		592	1,432	
Big Horn	611		1,894	
Blaine	534		1,393	
Broadwater		228		459
Carbon		614	1,127	
Carter		114		333
Cascade	6,020		15,223	
Chouteau	595		1,011	
Custer	932		1,762	
Daniels	272		511	
Dawson	1,015		1,812	
Deer Lodge	839		1,722	
Fallon		404		821
Fergus		929	2,084	
Flathead	3,150		7,287	
Gallatin	1,972		4,714	
Garfield	124		286	
Glacier	939		2,533	
Golden Valley		87	106	
Granite		240		430

*From Montana School Statistics 1972

TABLE 1 (Continued)

County	HIGH SCHOOL ENROLLMENTS		ELEMENTARY ENROLLMENTS	
	with S.E.	without S.E.	with S.E.	without S.E.
Hill		1,529	2,927	
Jefferson		367		953
Judith Basin		228		399
Lake	1,278		2,745	
Lewis and Clark	2,760		5,908	
Liberty		236		408
Lincoln	1,517		3,472	
Madison		386		712
McCone		412		453
Meagher		131		340
Mineral		279		679
Missoula	3,888		9,210	
Musselshell		306	578	
Park	1,021		1,705	
Petroleum		57		113
Phillips	468		810	
Pondera	636		1,442	
Powder River		258		422
Powell	494		1,211	
Prairie		160		238

TABLE 1 (Continued)

County	HIGH SCHOOL ENROLLMENTS		ELEMENTARY ENROLLMENTS	
	with S.E.	without S.E.	with S.E.	without S.E.
Ravalli	1,313		2,773	
Richland	948		1,675	
Roosevelt	982		2,017	
Rosebud		343	1,055	
Sanders	600		1,321	
Sheridan		553	1,067	
Silver Bow	2,629		6,667	
Stillwater	414		802	
Sweet Grass		212	407	
Teton		567	1,136	
Toole	583		991	
Treasure		102		187
Valley	1,012		2,192	
Wheatland		228	334	
Wibaux		129		252
Yellowstone	6,977		14,643	
TOTALS	45,115	9,098	111,985	7,219
	83.2%	16.8%	93.9%	6.1%
STATE	54,213		119,204	
TOTALS	173,417			

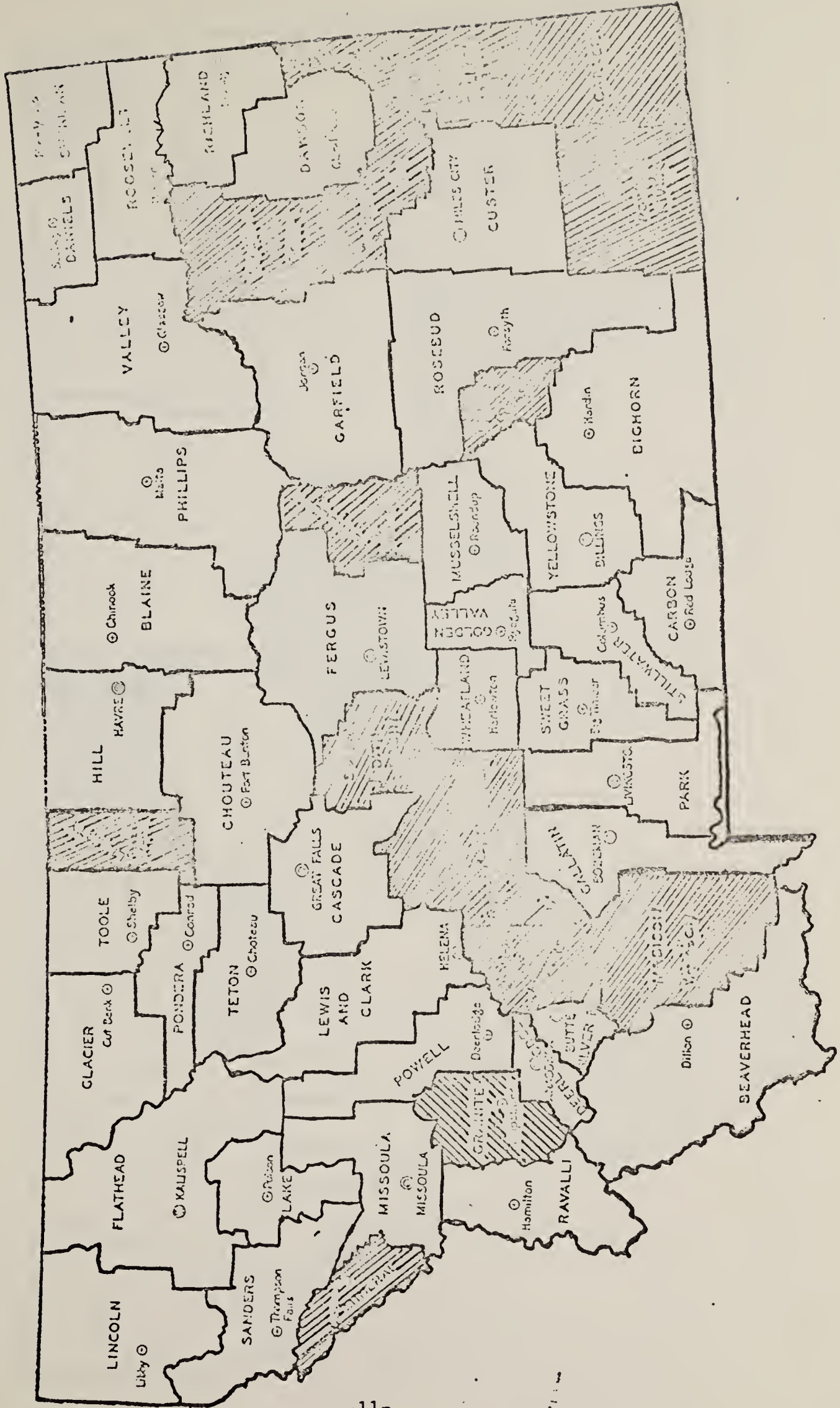
FIGURE 1

(with Special Education Programs 94% - 111,985)
 (without Special Education Programs 6% - 7,219)

: 119,204

TOTAL ENROLLMENT OF ELEMENTARY SCHOOLS :

MONTANA.

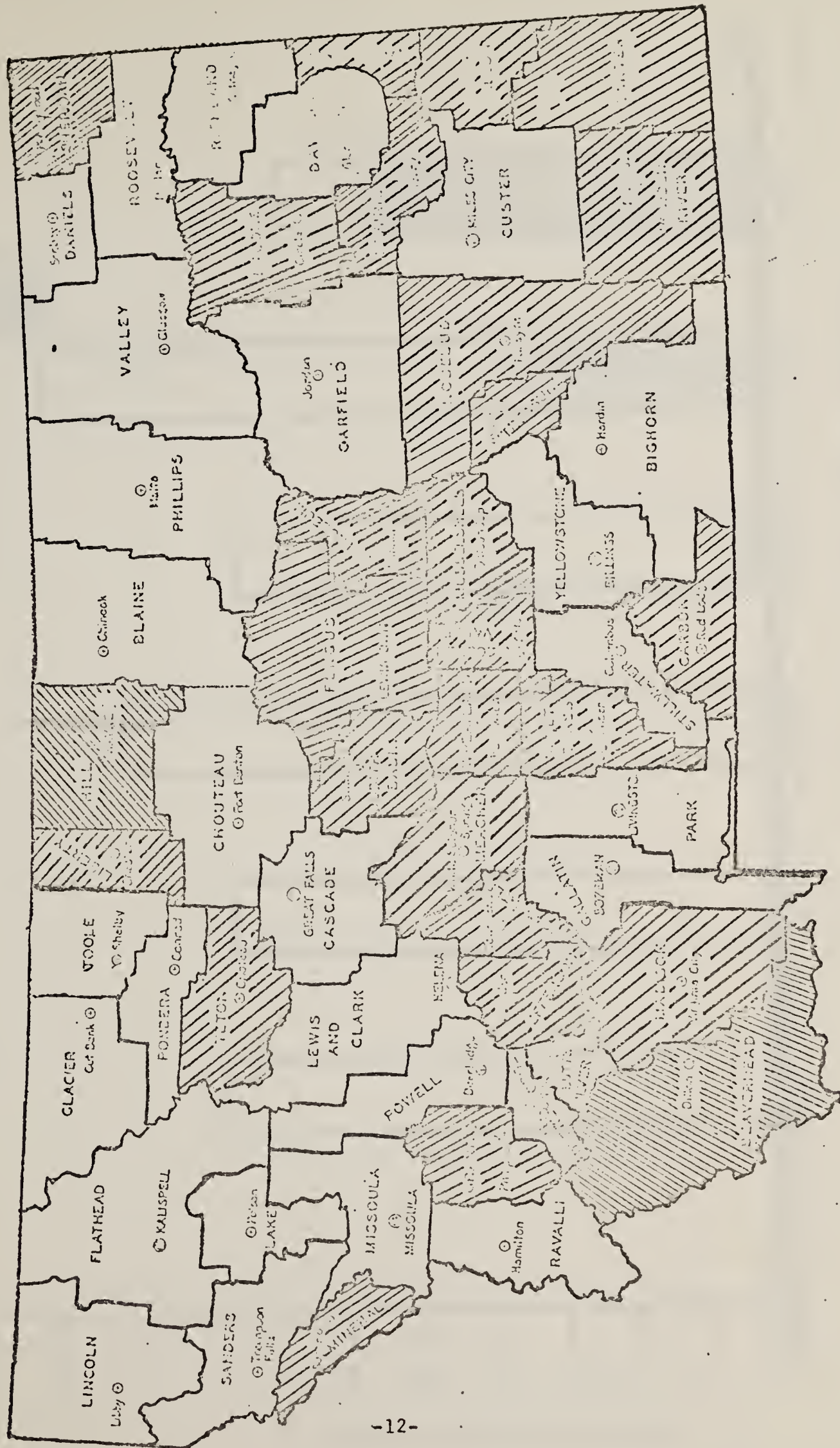


SHADING INDICATES NO ELEMENTARY SPECIAL EDUCATION PROGRAM IN 1972-73

FIGURE 2

TOTAL ENROLLMENT OF HIGH SCHOOLS	(with Special Education Programs	82% - 44,523)
:	:	:
	(without Special Education Programs	18% - 9,690)
	:	54,213

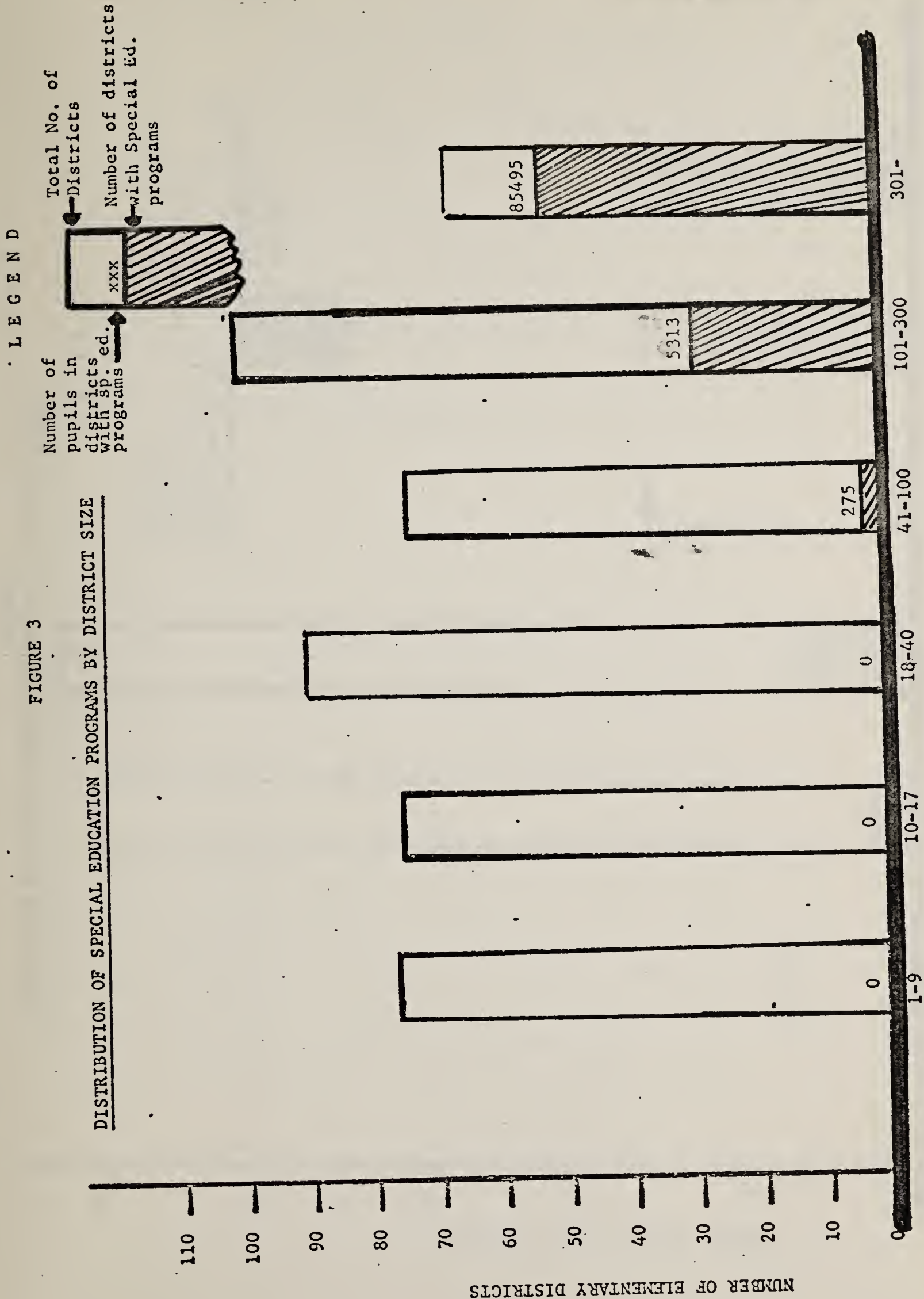
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SHADING INDICATES NO HIGH SCHOOL SPECIAL EDUCATION PROGRAMS IN 1972-73

FIGURE 3

DISTRIBUTION OF SPECIAL EDUCATION PROGRAMS BY DISTRICT SIZE



FOUNDATION PROGRAM--ANB CATEGORIES--ELEMENTARY SCHEDULE

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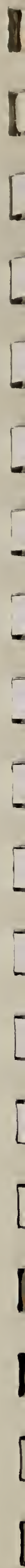
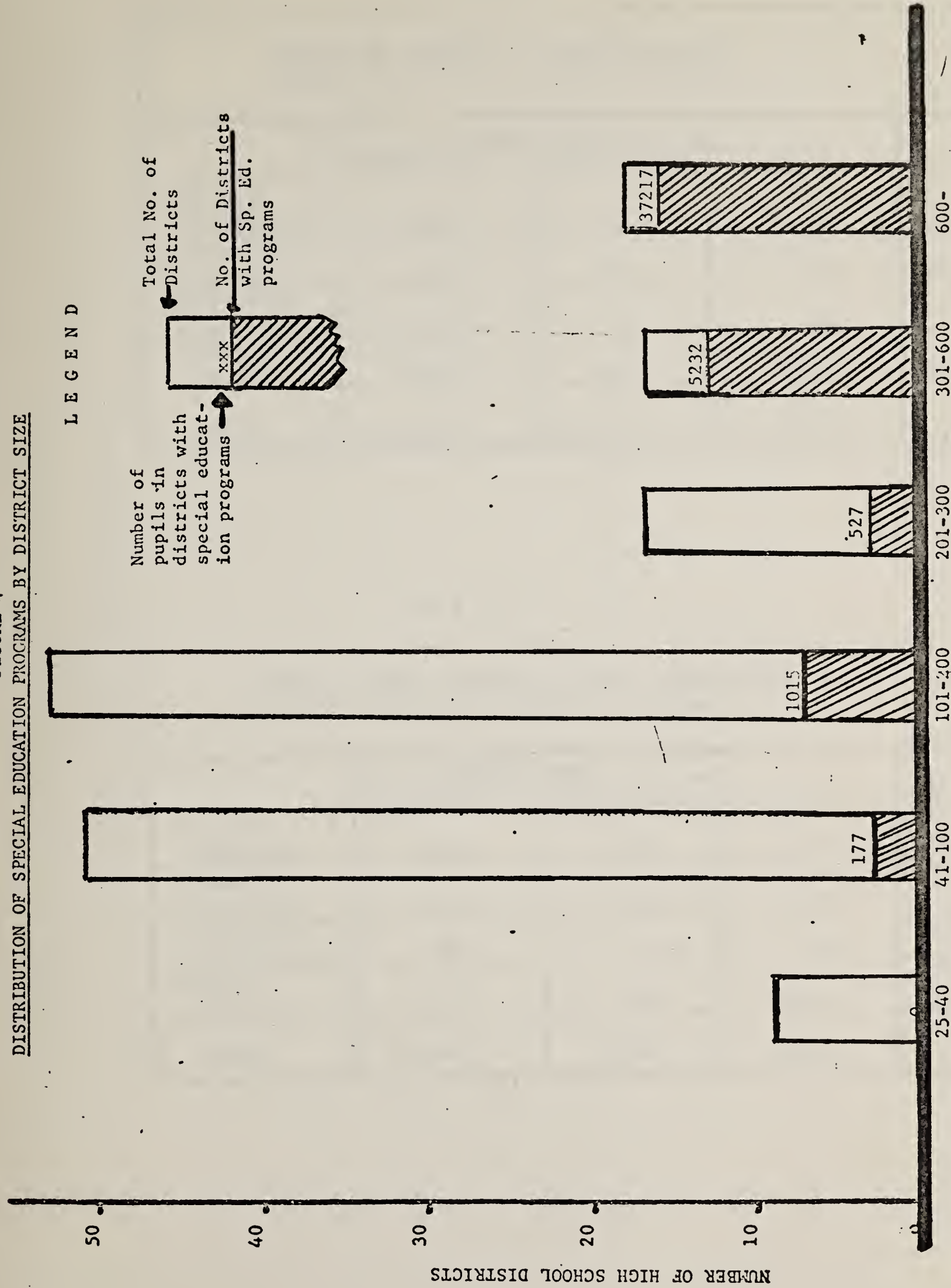


FIGURE 4
DISTRIBUTION OF SPECIAL EDUCATION PROGRAMS BY DISTRICT SIZE



FOUNDATION PROGRAM--ANB CATEGORIES--HIGH SCHOOL SCHEDULE

T A B L E 2

NUMBER OF STUDENTS IN THE FOUR MAJOR SPECIAL EDUCATION CATEGORIES 1972-73				
	Grade Level		Total	%
	Elementary	High School		
Educable Retarded	1,351	437	1,788	30.0
Trainable Retarded	170	21	191	3.1
Physically Handicapped	136	0	136	2.2
Speech Therapy	3,218	650	3,868	65.0
TOTAL	4,875	1,108	5,983	

T A B L E 3

AVERAGE NUMBER BELONGING IN THE FOUR MAJOR SPECIAL EDUCATION CATEGORIES 1972-73				
	Grade Level		Total	%
	Elementary	High School		
Educable Retarded	6,426	2,066	8,492	62.0
Trainable Retarded	900	135	1,035	7.5
Physically Handicapped	566	0	566	4.1
Speech Therapy	2,911	618	3,529	26.0
TOTAL	10,803	2,819	13,622	

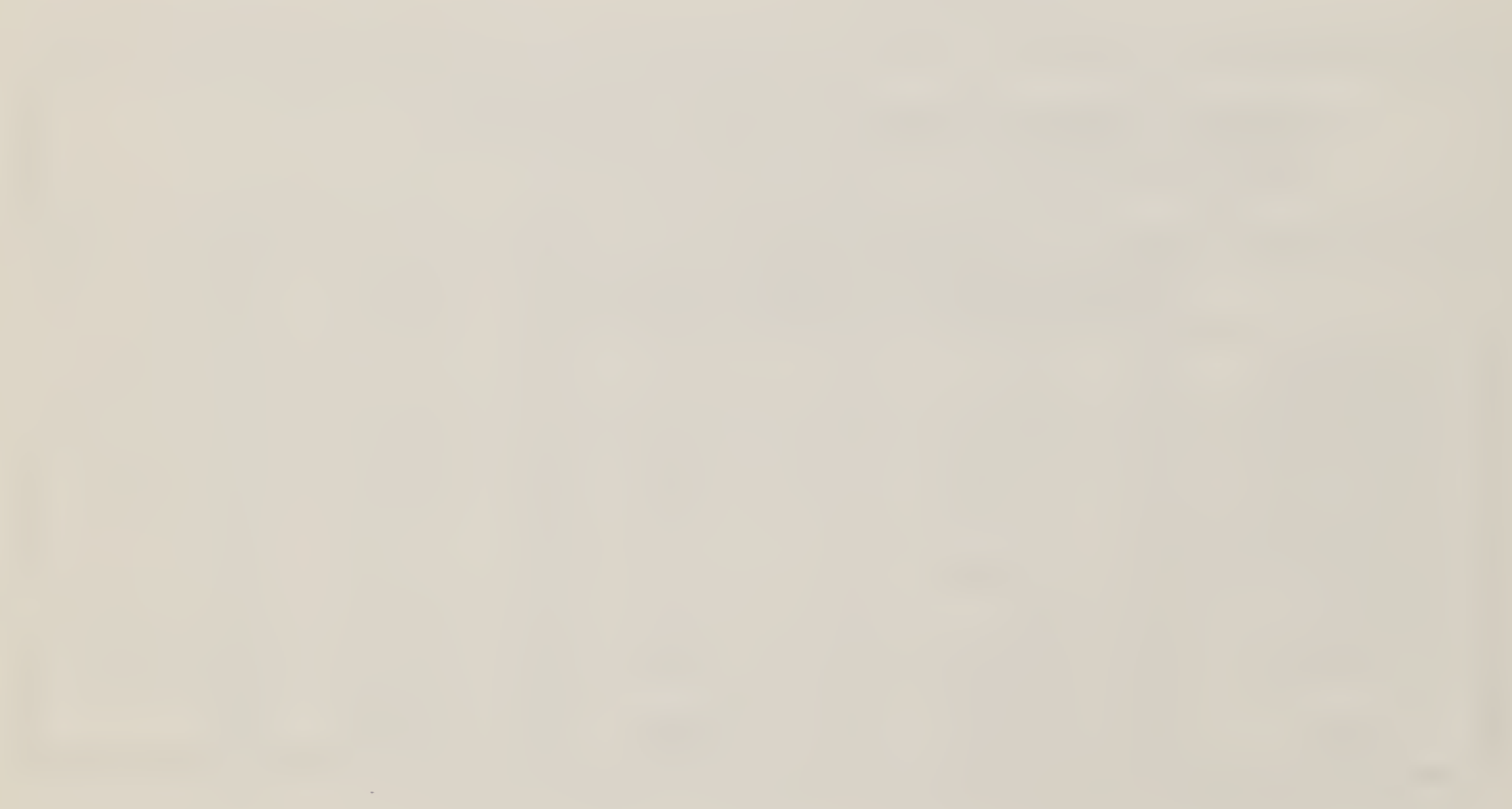


FIGURE 5

ENROLLMENT TREND FOR EDUCABLE MENTALLY RETARDED
STUDENTS IN MONTANA

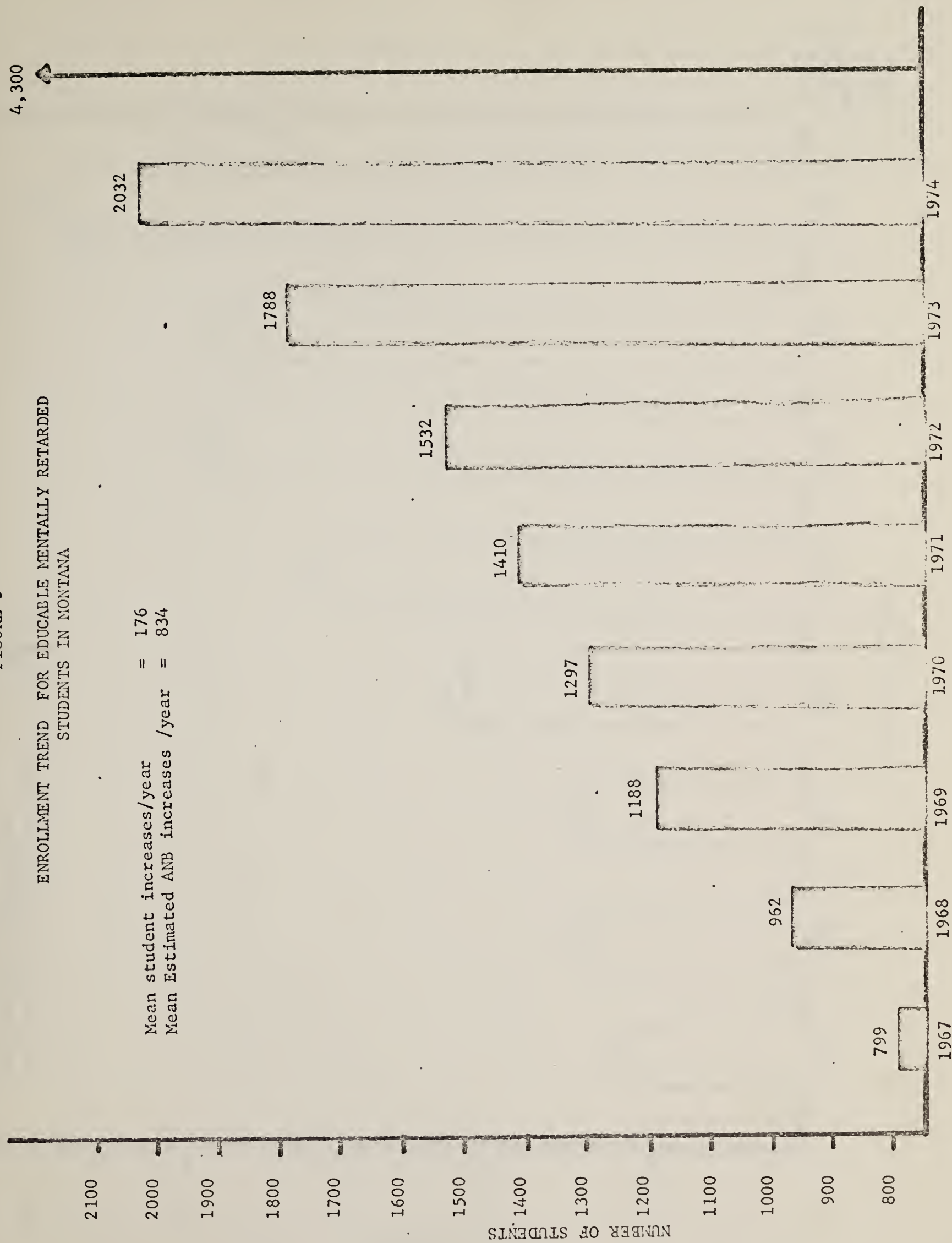


FIGURE 6

ENROLLMENT TREND FOR TRAINABLE MENTALLY RETARDED STUDENTS IN MONTANA

Mean student increase/year = 28
Mean estimated ANB increase/year = 153

NUMBER OF STUDENTS

-17-

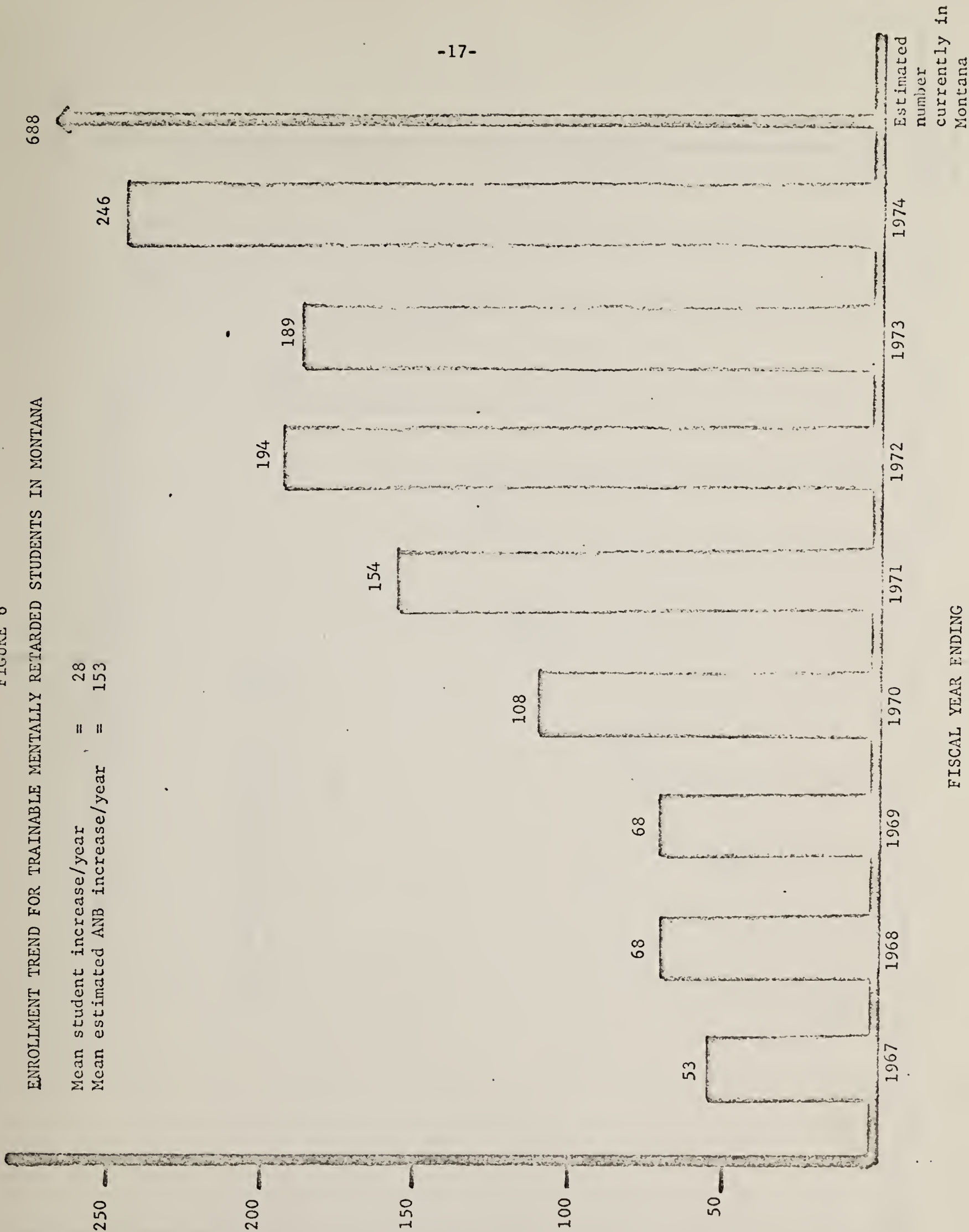
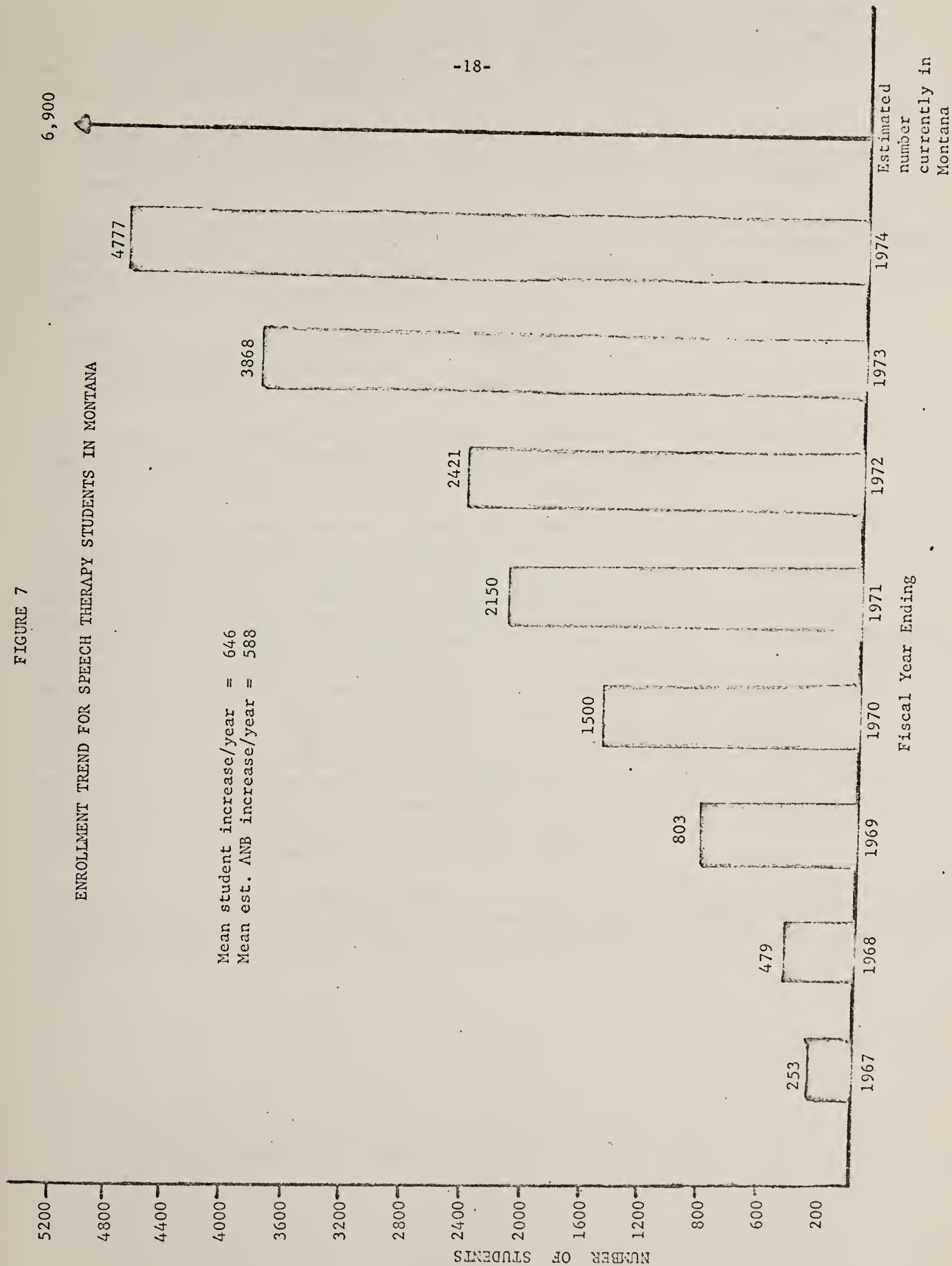


FIGURE 7

ENROLLMENT TREND FOR SPEECH THERAPY STUDENTS IN MONTANA

Mean student increase/year = 646
Mean est. ANB increase/year = 588



It is difficult to estimate the specific dollar amounts that increasing enrollment forecasts. However, assuming that the number of elementary and high school special students were in the same relative proportion to each other over the 8 year period as they were in 1972-73 (namely,

Educable Mentally Retarded	- 75.6% elementary, 24.4% secondary,
Trainable Mentally Retarded	- 86.9% elementary, 13.1% secondary, and
Speech Therapy	- 82.4% elementary, 17.6% secondary)

and using the median size of schools having special education programs (948 students for elementary and 1690 for high schools) to determine the Foundation Program rates*, conservative estimates of increased cost per year for three types of Special Education students are:

Educable Mentally Retarded	- \$365,341
Trainable Mentally Retarded	- 62,803
Speech Therapy	- 245,255

This gives an estimated annual increase of \$664,399. This total does not include increases to be expected for the relatively small groups of physically handicapped and children with hearing problems.

By using national averages and school enrollments by county it was possible to get a rough estimate of the numbers of EMR, TMR, and speech therapy students that would be expected to exist in each county. These estimates were compared with the number of special education students actually enrolled during 1972-73. The resulting percentage of estimated total population currently being served was calculated. These data appear in Table 4. Perhaps the most notable aspect of Table 4 is the wide variation in the percentages of estimated populations being served. For example, the range for speech therapy programs by county is from 9% to 285%. While totals indicate that 41%, 27%, and 64% of the EMR, TMR, and speech therapy students in the estimated state population are now being served, it should be noted that much of the unserved or unidentified population is in counties with very small school enrollments. In some of these cases, especially for the TMR category, current legislation prohibits a special education program even if one were considered feasible for other reasons.

The ratios of ANB per special education student for each major special education category are presented in Table 5. As would be expected TMR students represent the highest cost in ANB and speech therapy students have the lowest cost in ANB.

* The 1972-73 foundation program schedule was used

TABLE 4
Percentage of Estimated Total Special Education Population Being Served 1972-73

COUNTY	Total Enrollment 1971-72	Students Enrolled in Special Education				Estimated Population of Special Education Students				Percentage Being Served			
		E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy			
Beaverhead	2,024	11		34	51	8	71	22		48			
Bighorn	2,505	61		95	63	10	88	97		108			
Blaine	1,927	55		177	48	8	67	115		264			
Broadwater	687				17	3	24						
Carbon	1,741	11		13	44	7	60	25		22			
Carter	447				11	2	16						
Cascade	21,243	234	36	446	531	85	743	44	42	60			
Chouteau	1,606	14		130	40	6	56	35		232			
Custer	2,694	41		85	67	11	94	61		90			
Daniels	783	8		77	20	3	27	40		285			
Dawson	2,827	35		70	70	11	100	50		70			
Deer Lodge	2,561	29	8	65	64	10	90	45	80	72			
Fallon	1,225												
Fergus	3,013	27	6	32	31	5	42	36	50	30			
Flathead	10,437	102	15	278	261	42	365	39	36	76			
Gallatin	6,686	50		249	167	27	234	30		106			
Garfield	410	19			10	2	14	190		190			
Glacier	3,472	25		232	87	14	122	29		190			
Golden Valley	193			10	5	1	7			143			
Granite	670				17	3	23						

TABLE 4 (cont'd)
Percentage of Estimated Total Special Education Population Being Served 1972-73

COUNTY	Total Enrollment	Students Enrolled in Special Education				Estimated Population of Special Education Students				Percentage Being Served			
		1971-72	E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.
Hill	4,456		34		83	111	18	156	31		53		
Jefferson	1,320					33	5	46					
Judith Basin	627					16	3	22					
Lake	4,023		73		40	101	16	141	72		28		
Lewis & Clark	8,668		94	16	118	217	35	303	43	46	39		
Liberty	644					16	3	23					
Lincoln	4,989		41		79	125	20	175	33		45		
Madison	1,098					27	4	38					
McCone	865					22	3	30					
Meagher	471					12	2	16					
Mineral	958					24	4	34					
Missoula	13,098		95	25	524	327	52	458	29	48	114		
Musselshell	884		12		23	22	4	31	55		74		
Park	2,726		21		35	68	11	95	31		37		
Petroleum	170					4	1	6					
Phillips	1,278		9		70	32	5	48	28		146		
Pondera	2,078		38		61	52	8	73	73		84		
Powder River	700					18	3	25					
Powell	1,705		34		40	43	7	60	79		67		
Prairie	398					10	2	14					



TABLE 4 (cont'd)
Percentage of Estimated Total Special Education Population Being Served 1972-73

COUNTY	1971-72	Students Enrolled in Special Education			Estimated Population of Special Education Students			Percentage Being Served		
		E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy	E. M. R.	T. M. R.	Speech Therapy
Ravalli	4,086	42		13	102	16	143	41		9
Richland	2,623	28		65	66	10	92	42		71
Roosevelt	2,999	15	4	53	75	12	105	20	33	50
Rosebud	1,398	24		68	35	6	49	68		139
Sanders	1,921	14		15	48	8	67	29		26
Sheridan	1,620	9			41	6	57	22		
Silver Bow	9,296	82	35	60	232	37	325	35	95	18
Stillwater	1,216			66	30	5	43			153
Sweet Grass	619	5			15	2	22	33		20
Teton	1,703	11		12	43	7	60	25		
Toole	1,574	15		26	39	6	55	38		47
Treasure	289				7	1	10			
Valley	3,204	52	7		80	13	112	65	54	50
Wheatland	562			10	14	2	20			
Wibaux	380				10	2	13			
Yellowstone	21,620	318	39	414	540	86	757	59	45	55
TOTAL	173,417	1,788	191	3,868	4,336	695	6,072	41 ^a	27 ^a	64 ^a
Average percentage being served.										

T A B L E 5

AVERAGE NUMBER BELONGING PER SPECIAL EDUCATION STUDENT 1972-73			
	Grade Level		Weighted Average
	Elementary	High School	
Educable Retarded	4.74	4.72	4.74
Trainable Retarded	5.29	6.42	5.47
Physically Handicapped	4.16	0	4.16
Speech Therapy	.90	.95	.91

T A B L E 6

NUMBER OF CLASSES OF EDUCABLE AND TRAINABLE RETARDED 1972-73			
	Grade Level		Total
	Elementary	High School	
Educable Retarded	150	49	199
Trainable Retarded	22	3	25
TOTAL	172	52	224

T A B L E 7

AVERAGE NUMBER BELONGING PER SPECIAL EDUCATION CLASS 1972-73 FOR EMR and TMR CLASSIFICATIONS	
Educable Retarded	42.67
Trainable Retarded	41.40
TOTAL Weighted Average	42.53

The number of EMR and TMR classes for 1972-73 are shown in Table 6.

The ANB per classroom for EMR and TMR are shown in Table 7.

Sources of the data presented in this section may be found listed in Appendix F.

Further study of the variables relating to financial assistance for special education is planned in an effort to determine relationships between variables and to determine differences that may exist between districts with and without special education programs.

7. How are handicapped students identified, evaluated and placed in appropriate programs?

The Superintendent of Public Instruction has the duty, with the help of other public agencies, of "discovering through observation, examination or testing the children in the state who are in need of special education."

Each school district is required by the State Superintendent to set up a committee of knowledgeable persons to screen potential students for special education. Children who the committee agrees are likely to benefit from special education must then be provided a thorough individual evaluation. Persons qualified in testing, or clinical psychologists, must verify the student's degree of mental retardation; speech or language impairments, hearing problems and all other physical handicaps must be verified by physicians or other qualified professionals. Students who after this process are designated as candidates for special education programs are then eligible for placement.

At certain times in his school career the handicapped person is reevaluated in order to insure that he is in a program which provides maximum benefit. This procedure is discussed in the next section.

A thorough case study must be prepared for each person identified as a candidate for a special education program. Exceptions to this rule are those with speech and hearing handicaps, and homebound or hospitalized persons receiving itinerant services. (See Appendix D for a description of these services.) The case study must be prepared by a competent committee (such as the original screening committee) and their findings must be the basis for any placement decision. A statement of all placement decisions, together with the facts in each case, must be sent to the State Superintendent for approval.

Reevaluation of each student's placement is recommended before the student's second year in special education, and is required after the third year. Reevaluation is also required at the seventh and eleventh years of a student's participation.

For further information about identifying the handicapped, and special education evaluation and placement see Appendix G.

8. What procedures exist for approving special education programs?

Montana law states that "No special education class shall be operated... without the approval of the Superintendent of Public Instruction."

School districts must apply for program approval by early February for the following school year. Essentially, the application information includes diagnostic data on each student, the names of teachers and proposed classroom sites, the total number of students in each class planned, program plans, budgets and an assurance that the school district plans to operate their special education program in accordance with the Superintendent's standards.

Applications are reviewed by the Superintendent to determine whether the applicant districts have planned programs which observe Montana law and the Superintendent's standards. Deviations from the law or those standards may be discussed with the applicants and amendments filed. The Superintendent informs districts in March as to whether their applications were approved.

For further information about class and program approval procedure see Appendix H.

9. What optional ways for delivering services exist?

Districts which, for whatever reason, do not provide special education for eligible children in the district may arrange services for such children in other ways. The district may pay tuition to another district which will accept the eligible child or children in its special education program. The district may arrange for the eligible child to attend a special education program outside Montana. Also, districts may share services designed for special education students. (The itinerant service type of program described in Appendix D is especially appropriate for a system of shared services and costs.)

For further information about types of service delivery systems for districts see Appendix I.

APPENDIX A

Students Defined As Handicapped

A. Montana School Statutes Under Section 75-7801

"Special education" means the type of instruction requiring special facilities or programs for mentally retarded or physically handicapped children.

A "mentally retarded child" means any child who is not capable of profiting from the regular instruction of a school because his mental ability is substantially below the mental ability of an average child of the same age. Mentally retarded children are classified as follows:

1. An "educable mentally retarded child" means a child who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected of an eleven-year-old child, but not less than that of a seven-year-old child.
2. A "trainable mentally retarded child" means a child who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected of a seven-year-old child and, for entrance into a training program, is capable of walking, of clean body habits, and of obedience to simple commands.
3. A "custodial mentally retarded child" means a child who does not show a likelihood of attaining clean body habits, responsiveness to directions, or means of intelligible communication.
4. A "physically handicapped child" means a child who is capable of profiting from the regular instruction with the assistance of special equipment, special services, or transportation to compensate for physical disabilities such as, but not limited to, cardiac impairment, cerebral palsy, chronic health problems, or inadequate speech, hearing or vision.

B. State Superintendent's Office Administrative Procedure

1. General Definitions (definitions used to implement state statutes)
 - a. Children and youth with learning handicaps means any young handicapped person (mentally retarded or physically handicapped) 25 years of age and under who is not able to achieve socially, academically, physically and vocationally to his or her level of expectance as determined by a qualified examiner's assessment of learning aptitude, academic achievement, physical capabilities and/or sensory-motor performance.

- b. Special education means the adjustment of school environmental factors, school curricula, teaching methods and materials to provide educational services for those retarded or physically handicapped students who have learning handicaps to such an extent that they do not profit from the regular school program.

2. Kinds of Handicapping Conditions

a. Mentally Retarded

- (1) Educable retarded means a child or young adult who, because of his or her mildly to moderately low learning aptitude (an intelligence quotient between 50-75 on the Stanford Binet, Wechsler or other appropriate individual tests for elementary students, or 50-80 for secondary students), has difficulty being educated through conventional classroom instruction. These students are at least capable of achieving some proficiency in basic academic skills and, as a result of special education programs, may become economically productive and socially and emotionally adjusted.
- (2) Trainable retarded means a child or young adult who, because of his moderately to severely low learning aptitude (an intelligence quotient between 30-50 on the Stanford Binet, Wechsler or other appropriate individual tests), is incapable of being educated through conventional classroom instruction. These students are capable of achieving very low proficiency in basic academic skills, but through special school programs, they may become at least partially economically productive and socially adjusted in regular and sheltered work settings. Trainable retarded students are usually physically capable of attending school and can benefit from special school programs. They also can learn to communicate to an extent, make their wants known and understand simple directions.

- b. Physically handicapped means a young person who has a physical condition or disability which impedes his or her educational progress in the conventional classroom. Following are conditions which describe "physically handicapped."

- (1) Orthopedically handicapped and/or multi-handicapped means children and youth with physical conditions which present moderate to severe learning or mobility problems requiring special equipment, services or transportation.

- (2) Sensory-neurological and/or speech and language impaired means children and youth who are blind or partially sighted and/or have language impairments.
- (3) Special health problems means children and youth who suffer from physical disabilities, cardiac impairment or chronic health problems and must receive special services to meet their educational, social and vocational needs.

On the following pages is a nine year summary of the number of special education classes and number of students classified by handicap. These data are from the 1965-66 school year special education enrollment through the anticipated 1973-74 school year.

MONTANA SPECIAL EDUCATION STATISTICS

<u>Year</u>		<u>Classes and Programs</u>	<u>No. of Students</u>
1965-66	EMR	60	628
	TMR	4	39
	Speech	7	393
	Hearing Impaired	1	19
	Physically Handicapped	4	64
		76	1,143
1966-67	EMR	65	799
	TMR	5	53
	Speech	10	253
	Hearing Impaired	1	13
	Physically Handicapped	5	59
		86	1,177
1967-68	EMR	92	962
	TMR	7	68
	Speech	9	479
	Hearing Impaired	1	10
	Physically Handicapped	5	48
		114	1,567
1968-69	EMR	109	1,188
	TMR	8	68
	Speech	18	803
	Hearing Impaired	1	8
	Physically Handicapped	4	47
		140	2,114
1969-70	EMR	133	1,297
	TMR	10	108
	Speech	37	1,500
	Hearing Impaired	3	25
	Physically Handicapped	5	50
		188	2,980
1970-71	EMR	150	1,410
	TMR	19	154
	Speech	40	2,150
	Hearing Impaired	3	18
	Physically Handicapped	5	57
		226	3,789

MONTANA SPECIAL EDUCATION STATISTICS - cont'd.

<u>Year</u>		<u>Classes and Programs</u>	<u>No. of Students</u>
1971-72	EMR	166	1,532
	TMR	20	194
	Speech	72	2,421
	Hearing Impaired	6	55
	Physically Handicapped	5	56
		<u>269</u>	<u>4,258</u>
1972-73	EMR	175	1,736
	TMR	22	209
	Speech	85	3,078
	Hearing Impaired	7	63
	Physically Handicapped	6	61
		<u>295</u>	<u>5,147</u>
1973-74	EMR	224	1,818
	TMR	47	385
	Speech	144	5,123
	Hearing Impaired	7	69
	Physically Handicapped	8	91
		<u>430</u>	<u>7,486</u>
1974-75	(Anticipated increase of: 100 programs and 1,500 students)	530	8,986

Age Range of Handicapped Persons Presently Being Served

A. Montana School Statutes

1. School Age Provisions

Special education students fall under the attendance provisions of the 1947 Revised Codes of Montana, Section 75-6301 Pupil Definition.

"As used in this Title, unless the context clearly indicates otherwise, "pupil" means any child who is six (6) years of age or older but has not yet reached his twenty-first birthday and who is enrolled in a school established and maintained under the laws of the state of Montana at public expense."

2. Preschool Provisions

Section 75-7806, Subsection (5) stipulates that "educable mentally retarded children, trainable mentally retarded children or physically handicapped children under the age of six (6) years of age" may receive services.

3. Extended Age Provisions

Section 75-7806, Subsection (6), allows services for "educable mentally retarded persons or physically handicapped persons who are not less than twenty-one (21) or more than twenty-five (25) years of age."

Financial provisions for under-six (6) year old special education classes or programs serving children under six apply for all physically and mentally handicapped children. These same provisions also apply for all mentally retarded and physically handicapped persons from 21 to 25 as indicated in Section 75-7816, where the law stipulates: "Any district operating an approved special education class or program for children under the age of six (6) years or for people who are not less than twenty-one (21) or more than twenty-five (25) years of age shall be eligible for financial assistance in accordance with section 75-7813 and for transportation reimbursement under section 75-7815."

B. State Superintendent's Office Administrative Procedure

Children and youth with learning handicaps means any young handicapped person (mentally retarded or physically handicapped) 25 years of age and under who is not able to achieve socially, academically, physically and vocationally to his or her level of expectancy as determined by a qualified examiner's assessment of learning aptitude, academic achievement, physical capabilities and/or sensory motor performance.

Permissive or Mandatory Special Education Services

- A. Montana School Law permits the discretionary establishment of special education classes under section 75-7806. "The trustees of any district may establish and maintain a special education class or special education program for:
1. four (4) or more educable mentally retarded children;
 2. four (4) or more physically handicapped children;
 3. four (4) or more trainable mentally retarded children;
 4. individual children requiring special education such as home or hospital tutoring, school-to-home telephone communication or other individual programs; or
 5. educable mentally retarded children, trainable mentally retarded children or physically handicapped children under the age of six (6) years of age when the superintendent of public instruction has determined that such programs will:
 - a. assist a child to achieve levels of competence that will enable him to participate in the regular instruction of the district when he could not participate without special education;
 - b. permit the conservation or early acquisition of skills which will provide the child with an equal opportunity to participate in the regular instruction of the district; or
 - c. provide other demonstrated educational advantages which will materially benefit the child; or
 6. educable mentally retarded persons or physically handicapped persons who are not less than twenty-one (21) or more than twenty-five (25) years of age when the superintendent of public instruction has determined that such programs will assist a person to achieve levels of competence that will enable him to better participate in society."
- B. Parents may petition the trustees of a district to establish a special education class or program as stipulated in section 75-7807.

"The parents of four(4) or more children needing special education of one type of educable mentally retarded children, trainable mentally retarded children or physically handicapped children may petition the trustees to establish a special education class or program. Parents residing in several contiguous districts may petition the trustees of each district to co-operatively establish a special education class or program of one type for four (4) or more children. The inter-local co-operative agreement authorized in chapter 49 of Title 16, R.C.M. 1947, shall be used to establish a multi-district special education class or program."

- C. Mandatory establishment of a special education class is enabled in section 75-7805. "Mandatory establishment of special education class. The trustees of any district shall establish and maintain at least one applicable special education class when there are ten (10) or more educable mentally retarded children in the district and at least one (1) applicable special education class when there are seven (7) or more trainable mentally retarded children in the district, and at least one (1) applicable special education class when there are ten (10) or more physically handicapped children in the district."

State Superintendent's office special education administrative procedure implements these statutes when approving programs just as they are established in these sections of school law.

APPENDIX D

Kinds of Special Classes and Programs

- A. Section 75-7803, subsections 5 and 7 of R.C.M., 1947, enables the Superintendent of Public Instruction to determine the type of instruction required by children needing special education classes or programs and to recommend the appropriate services to officials of school districts.
- B. Montana Board of Education Special Education Policy, in keeping with the statute in Section 75-7803, which requires a planned and coordinated program of special education states that "the program shall incorporate the many educational arrangements which can be designed to integrate young handicapped persons, whenever possible, into the regular educational program and eventually into the mainstream of society."
- C. The State Superintendent's office administrative procedure to implement the intent of the law and Montana Board of Education Policy is described in Section III of the Tentative Special Education Handbook.
(see next page)

Section III. ESTABLISHING CLASSES OR PROGRAMS

A. Service Patterns or Kinds of Special Education Classes and Programs

Special education students may be placed in one of three service patterns or kinds of classes or programs. These patterns may be available both to mentally retarded and physically handicapped children and youth if designated standards are met as stated in Part B of this section of the handbook.

1. The self-contained classroom service pattern generally refers to the special classes or programs which have been used in Montana. The self-contained pattern must provide a classroom program for at least one-half day taught by a teacher trained to serve a specific kind of handicapping condition (mentally retarded or physically handicapped). One special education teacher can be approved to provide services for no more than one class of handicapped students. If a teacher has a class for only one-half day, the other half day must be spent performing other tasks relevant to the classroom program. The special education teacher must be involved in program planning for a handicapped student when he is integrated into the regular classroom.
2. The resource room service pattern provides for handicapped students to leave their regular class placement for one or more periods each day for instruction or special tutoring. Such programs may exist in several locations within one school district or be shared among more than one school district. The teacher must be properly certified and endorsed in special education and may provide education and training for all handicapping conditions. However, the special education course work emphasized in the teacher's training program should be appropriate for the kinds of handicapped students being served.
3. The itinerant service pattern includes services to handicapped students who are enrolled in regular classes. In some cases, special services are supplied directly to individual handicapped persons. In other cases, the regular teacher or parents are given special instruction on how to help the student. Frequently, both direct contact with students and parent and teacher consultation may be provided.

APPENDIX E

Standards for Special Classes and Programs

Section 75-7803, Duties of the Superintendent of Public Instruction, subsections 5 and 7, require that the Superintendent assist in the determination of the type of instruction required by children needing special education and the type of class or program needed to serve the special education children of such district.

The State Superintendent's office administrative procedure establishes the standards for classes and programs in Section III, Part B of the Tentative Special Education Handbook, a copy of which follows.

B. Standards for Classes or Programs

The following standards are provided for special education classes and programs. Deviations from these standards may be accepted by the State Superintendent with sufficient written justification. Paragraphs 5 and 8 on page 1 of Standards for Accreditation of Montana Schools provide for these variations.

1. Mentally Retarded

a. Educable Class or Program

(1) Self-Contained Pattern

(a) Standard a. -- Constitution of Class or Program (Student Eligibility)

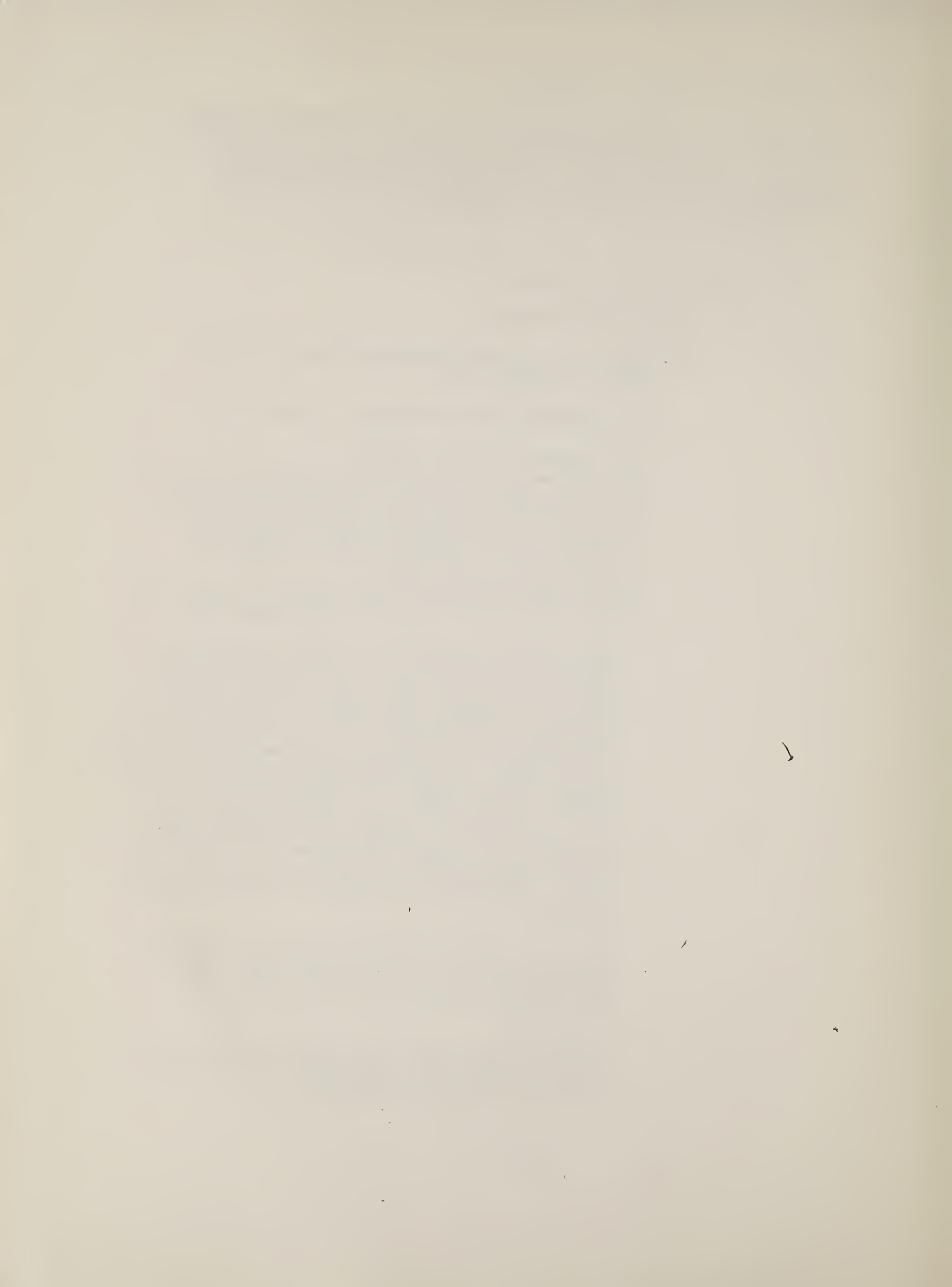
To be eligible for enrollment, a student must:

- be 25 years of age or under.
- possess an individual learning aptitude (IQ) score (Stanford Binet or Wechsler full-scale) between 50-75 for elementary level students or 50-80 for secondary level students. Other appropriate individual tests are acceptable if sufficient justification is provided.
- have a mental age more than one-half but less than three-fourths of his or her chronological age.

The learning aptitude score must be determined from an individual test administered by a qualified examiner approved to test by the Superintendent of Public Instruction. The test must be administered within one year immediately preceding application for enrollment of a new special education student. For a continuing special education student who has been in a program prior to the 1973-74 school year, tests must be administered every four years. A copy of the psychological evaluation for these students must be submitted to the Superintendent of Public Instruction prior to the assignment of a student to such a class or program.

For new students entering special education programs during the 1973-74 school year, testing must be accomplished before the third year of placement.

Individual assessments for these students are not required again until the seventh and eleventh years of program participation.



If a slight deviation from the required learning aptitude score is the only factor preventing a student from entering a class for the educable retarded, the case may be presented in writing to the State Superintendent for individual consideration.

- the student must be physically competent as determined by medical examination.
- the student must be of sufficient social and emotional stability to adjust in a group setting without requiring undue supervision for his own safety or the protection of others, or without requiring excessive attention to regulate his activities.

(b) Standard b. -- Class or Program Size

Each self-contained class shall include not less than four nor more than twelve pupils.

(c) Standard c. -- Age Span

The chronological age span of students in any one class shall not exceed five years when only one teacher per class is employed. If the equivalent of one and one-half or more teachers is employed for a class the maximum chronological age span may be six years.

(d) Standard d. -- Teacher Qualifications

A teacher must hold a valid Montana teaching certificate endorsed for the level to which the teacher is assigned and have had at least 15 quarter (10 semester) hours preparation in special education in the required course sequence described in Appendix A. Teachers possessing this provisional endorsement must complete a planned program for special education endorsement within three years.

(e) Standard e. -- Classroom and Facilities

The classroom should be located in a regular public school building. If most of the students are of elementary school age the classroom should be in an elementary school. If most of the students are of secondary school age the classroom should be in a secondary school.

The classroom should be at least as large as a regular classroom. The location of the room should be such as to assure the students easy access to all facilities of the school (playground, gymnasium, showers, library and lunchroom).

Facilities should include:

- adequate chalkboards and display space conveniently located
- adequate open and closed storage space, bins, closets, drawers and cupboards
- electrical outlets
- a sink, work counter or table and lavatory, if possible.

Both elementary and secondary educable classes should have access to an area containing kitchen and/or shop facilities (stove, sink, refrigerator, cooking utensils and serving utensils).

(2) Resource Room Pattern

- (a) Standard a. -- Constitution of Class or Program (Student Eligibility)

Same as self-contained pattern

- (b) Standard b. -- Class or Program Size

Resource room programs can be utilized to provide services for students who are either mentally retarded or have physical handicaps. If some students possess more than one type of handicap, the teacher must have the appropriate training to provide whatever special services are required. A resource room program funded at the maximum level (45 ANB) shall serve not less than 7 nor more than 24 students. The suggested maximum number of students at any one time in the classroom is 18. When more than 18 students are in the resource room an aide must be provided. Resource rooms may also be provided for districts having services for 4 to 6 students. When resource rooms are provided for less than seven persons, the students and/or their teachers and parents should be seen three days a week for at least two-hour periods.

- (c) Standard c. -- Age Span

The chronological age span of students in any one resource room shall not exceed ten years when only one resource room teacher is employed. If a teacher's aide or one or more tutors are employed, no age range limit is required.

- (d) Standard d. -- Teacher Qualifications

Same as for the self-contained educable pattern

(e) Standard e. -- Classroom and Facilities

Same as for self-contained educable pattern

(3) Itinerant and Consultant Service Pattern

This service pattern is not appropriate for the mentally retarded. The resource room pattern offers a comparable service.

b. Trainable Class or Program

(1) Self-Contained Pattern

The self-contained pattern will be the only approvable program for trainable students.

(a) Standard a. -- Constitution of Class
(Student Eligibility)

To be eligible for enrollment a student must:

- be 25 years of age or under.
- possess an individual learning aptitude (IQ) score (Stanford Binet or Wechsler full-scale) between 30-50. Other appropriate individual tests are acceptable if sufficient justification is provided.
- have a mental age more than three-tenths but less than six-tenths of chronological age.

Each individual admission shall be on a probationary basis for one year to ascertain if the placement is appropriate.

The learning aptitude score must be determined from an individual test administered by a qualified examiner within one year immediately preceding application for enrollment.

In the event that a slight deviation from the required learning aptitude score is the only factor preventing a student from entering a class for the trainable retarded, the case may be presented in writing to the State Superintendent for individual consideration.

Before the third year of placement in a trainable class another individual test of learning aptitude is required to ascertain appropriate placement. Individual assessments are not then required again unless it is deemed advisable by the special education committee to provide better vocational programs for these moderately to severely retarded individuals.

- be physically competent as determined by a medical examination.
- be toilet trained to the extent that he can recognize conditions requiring attention and make them known.
- be socially adjusted to the extent that he will not be a hazard to himself or others in the group.

(b) Standard b. -- Class or Program Size

The class must not exceed 12 students or consist of less than 4 students. The recommended number of students without an aide is seven.

(c) Standard c. -- Age Span

The chronological age span of students in a class shall not exceed six years. The age span may be eight years if a teacher's aide is provided in the trainable class for not less than five half-days per week.

(d) Standard d. -- Teacher Qualifications

Same as for educable program

(e) Standard e. -- Classroom and Facilities

It is recommended that the classroom be located in a regular school building. If the classroom is not located in a regular school building the room provided must meet school safety and building standards.

An outside entrance, ample toilet facilities, lavatory basin or sink and adequate storage space should be provided.

A minimum of 900 square feet of space should be provided.

Both elementary and secondary trainable classes should have access to an area containing shop and kitchen facilities (work bench tools, stove, sink, refrigerator, cooking utensils and serving utensils).

2. Physically Handicapped

- a. The self-contained, resource room and itinerant programs will all be acceptable for students possessing orthopedic handicaps, sensory-neurological and/or speech and language impairment, or special health problems or other physical disabilities.

(1) Self-Contained Pattern

(a) Standard a. -- Constitution of Class or Program
(Student Eligibility)

To be eligible for enrollment a student must:

- be 25 years of age or under.
- be physically handicapped, as determined by a medical or appropriate professional examination specific to the major handicapping condition. The diagnostic evaluation should be conducted within the 12 months prior to application for initial classroom enrollment and a statement of the student's physical condition must be submitted to the State Superintendent's office prior to enrollment in a special education program.
- be of sufficient social and emotional stability to adjust in a group setting, without requiring attention to regulate his activities beyond that which is ordinarily expected in a physically handicapped class.

(b) Standard b. -- Class or Program Size

Each class shall include not less than four nor more than twelve students.

(c) Standard c. -- Age Span

The chronological age span of pupils in any one physically handicapped class shall not exceed five years when only one teacher per class is employed. If the equivalent of one and one-half or more teachers is employed for a class, the maximum chronological age span may be six years.

(d) Standard d. -- Teacher Qualifications

A classroom teacher for all physically handicapped students in self-contained classes must:

- hold a valid Montana teaching certificate, endorsed for the level to which the teacher is assigned.
- have had at least 15 quarter (10 semester) hours preparation in special education in the required course sequence described in Appendix A, along with a planned program for completion of endorsement requirements within three years of the initial special education teaching experience.
- self-contained classroom and resource room teachers of hearing impaired children also must satisfy the above requirements except for the course sequence as designated in Appendix A.

(e) Standard e. -- Classroom and Facilities

The classroom should be located in a regular school building as designated in Standard e. for the mentally retarded. If most of the students are of elementary school age, a classroom in an elementary school is preferred. If most of the students are of secondary school age, a classroom in a secondary school is preferred.

Space must be adequate for special needs of physically handicapped students, and lavatory facilities should provide the necessary special equipment for the orthopedically handicapped.

Classes for the orthopedically handicapped should be on the first floor of the building in which they are located. If this is not possible or practical, elevators or ramps should be provided. Ramps should slope no greater than one foot in ten feet for safety of wheelchair or crutch movement. It is preferred that the entrance be free of steps and/or approached by a ramp. A driveway for buses and automobiles leading to the entrance is desirable. Handrails should be provided along routes of heavy traffic.

School districts should consider purchase or lease of special equipment for vehicles to handle physically handicapped students. Without such special transportation equipment, it may be impossible for physically handicapped students to attend school.

(2) The Resource Room

All standards for the resource rooms to serve physically handicapped students are the same as for the self-contained classroom standards with the exception of class size. Each resource room program must serve not less than four nor more than thirteen students. A full-time teacher's aide is recommended with nine or more students.

(3) The Itinerant Service Pattern

This type of pattern is most appropriate to school speech and hearing and homebound and/or hospitalized programs. Following are descriptions of separate standards for the two major types of programs:

(a) Speech and Hearing

Standard a. -- Constitution of Program
(Student Eligibility)

To be eligible for enrollment a student must:

- be 25 years of age or under
- be identified as requiring special services provided by qualified school speech and hearing clinicians.

Standard b. -- Program Size

- The number of students and the type of services offered each student shall be determined by the school speech and hearing clinician.

- A full-time program could consist of 35 to 85 students depending upon the nature and severity of the communication problems of the students. Another suggested approach is to consider 60 sessions a week being comparable to a full-time program.

Standard c. -- Age Span

- School speech and hearing clinicians may provide services on an itinerant basis for speech and hearing handicapped students of all ages 25 and below.

Standard d. -- Qualifications

- Appendix A contains the standards for qualifying speech and hearing clinicians.

Standard e. -- Coordination Activities

- A public school speech and hearing clinician employed on a full-time basis (school year) should be allotted a minimum of one-half day per week for such coordination activities as reporting, records, staffing, staff meetings, inservice conferences and other related activities.

Standard f. -- Facilities and Equipment

- Adequate space and facilities must be provided to conduct the school speech and hearing program, including minimum classroom standards with regard to heat, light, ventilation, electrical outlets, exits and space free from major sources of noise.
- Adequate special equipment such as clinical materials, reference and resource materials and electrical equipment should be provided.

(b) Homebound and/or Hospitalized Program

Standard a. -- Constitution of Program
(Student Eligibility)

To be eligible for enrollment a student must:

- be 25 years of age or under
- be unable to attend regular school for medical reasons. A copy of the attending physician's signed statement of diagnosis including the reason that the student cannot or should not attend regular school must be submitted to the Superintendent of Public Instruction. In the case of some students who are chronically ill or handicapped the physician's statement is not required yearly but a letter of explanation should be submitted to the Superintendent of Public Instruction.

Standard b. -- Program Size

- The designated homebound teacher may instruct no more than seven full-time hospitalized and/or homebound students.

Standard c. -- Age Span

- Certified homebound or hospitalized teachers may provide services for physically handicapped or health impaired students of all ages if their level of endorsement (elementary or secondary) is in accordance with the academic level of the students.

Standard d. -- Teacher Qualifications

- The teacher must hold a valid Montana teaching certificate endorsed for the level (and if secondary, for the subject areas) to which he is assigned.

Standard e. -- Facilities, Equipment and Program Operation

- The teacher must spend a minimum of four 45-minute instructional periods per week with the student at his home or at the hospital. If appropriate, provision also must be made for a school-to-home telephone hookup permitting continuous two-way communication between the student and the regular classroom.
- Specialized instructional materials and equipment must be provided for the homebound or hospitalized student if they are deemed necessary by the teacher.

APPENDIX F.

Sources of Data

- A. The numbers of students (1972-73) in each category of Special Education were obtained from the files of the State Supervisor of Special Education.
- B. The ANB for each category of special education were obtained from the files of the State Supervisor of Special Education and verified by comparison with records of the State Aid Distribution Supervisor.
- C. The number of EMR and TMR classes were obtained from the files of the State Supervisor of Special Education.
- D. Estimates of size of existing Montana populations of Educable Retarded, Trainable Retarded, and Speech Therapy students for 1972-73 were based on national estimates. The secondary source for the national estimates was: Dimensions of Educational Need, edited by Johns, Alexander and Rosmiller, published by the National Educational Finance Project.
- E. Data for the trend graphs were obtained from several sources. The data up to and including 1971-72 was collected by Dr. Rudio (former State Supervisor of Special Education) and originally presented in a table entitled Montana Special Education Statistics. The 1972-73 data was obtained from current special education files. The 1973-74 data is an estimate obtained by dividing the 1973-74 approved ANB by the ANB/student obtained for 1972-73.

APPENDIX G

Identifying the Handicapped and Special Education Evaluation and Placement

State special education statutes under section 75-7803, subsections 4 and 6, describe the identification, evaluation, and placement procedures for special education. These statutes read as follows:

75-7803. Duties of superintendent of public instruction. The superintendent of public instruction shall supervise and co-ordinate the conduct of special education in the state by:

- (4) discovering through observation, examination or testing the children in the state who are in need of special education;
- (6) seeking appropriate medical, psychiatric, and psychological assistance from the state department of health and other public agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs.

Section 75-7811 refers jointly to the determination of children requiring special education and designates that the final authority for class placement is with the Superintendent of Public Instruction. This statute reads as follows: "Determination of need for special education and approval of classes and programs by superintendent of public instruction. The determination of children requiring special education and the type of special education needed by these children shall not be the responsibility of the trustees but shall be the responsibility of the superintendent of public instruction. Whenever the trustees of any district intend to establish a special education class or program, they shall apply for approval of the class or program by the superintendent of public instruction. The superintendent of public instruction shall approve or disapprove the application for the special education class or program on the basis of its compliance with the laws of the state of Montana, the special education policies adopted by the board of education, and the regulations of the superintendent of public instruction. No special education class shall be operated by the trustees without the approval of the superintendent of public instruction. Each special education class or program must be approved annually."

Children to be excluded from special education placement can only be excluded under the provisions of section 75-7812 as follows: "Exclusion of children from special education class or program. No mentally retarded child or physically handicapped child shall be excluded from an approved special education class or program unless:

- (1) the enrollment of the class is the maximum amount approved by the superintendent of public instruction; or
- (2) the child's intellectual ability, age, or behavior pattern is not compatible with the class, as determined by the superintendent of public instruction with assistance of appropriate medical, psychiatric, or psychological advice.

In the event a child is excluded under subsection (2), the trustees shall notify the local welfare department and the proper authorities of the department of institutions who shall be charged with the responsibility for providing adequate protection and care, in keeping with available facilities, so far as the parents are willing to accept such services."

Paragraph 2 of the State Board of Education Policy concerning special education also calls for "a program that shall assure careful and systematic procedures be used to identify and diagnose young handicapped persons."

The State Superintendent's administrative handbook describes a procedure, in Section II of the Tentative Special Education Handbook, school districts must utilize to screen, diagnose, place and review the placement of handicapped children. The procedure is contained on the following pages.

ion II. DISCOVERING THE HANDICAPPED

A. Preparatory Steps in Screening

Each school district must annually screen its students to determine potential candidates for special education. The screening approach must use a committee consisting of three or more persons who are able to contribute knowledge about a potential candidate and his or her learning environment. Committee members may be selected from the personnel areas listed below:

- a. school administrator
- b. special education or regular classroom teacher who is currently or has previously instructed the individual
- c. school psychologist or guidance and counseling person
- d. school or public health nurse
- e. school social worker
- f. remedial education person
- g. school speech and hearing clinician

B. Evaluation

Children and youth who are determined by the screening committee to be potential candidates for special education are required to have a thorough individual evaluation. A qualified individual testing person or clinical psychologist must determine conditions of mental retardation, a speech and hearing clinician must determine speech and/or language impairments, and a physician or other appropriate professional must determine physical handicaps.

School or clinical psychological personnel and speech and hearing clinicians must meet certification requirements as set forth in Appendix A of this manual.

With the exception of speech and hearing handicapped and homebound or hospitalized individuals receiving itinerant services, a thorough case study must be prepared for each candidate for a special education program. This case study must be undertaken by a committee such as the one used for screening, and the results of the case study must be the basis for the decision concerning placement. The receiving classroom teacher must be included in the placement decision. Committee decisions must be verified through the signature of the chairman of the screening committee on the class or program rosters submitted to the Superintendent of Public Instruction. The results of the individual diagnostic evaluations, along with the class roster and application form, must be submitted to the State Superintendent. The evaluation report or psychological and educational appraisal should include:

1. an individual assessment of the student's abilities and disabilities as measured by tests of learning aptitude and academic and social achievement. Individual assessments of learning aptitude also are recommended for physically handicapped persons.
2. placement recommendations stated in terms of instructional programs which will provide the maximum benefit to the handicapped person.

C. Placement

Approval of special education placement in a class or program will not be considered until the evaluation procedures and a committee conference have been completed for the individual.

D. Review of Placement

Before a child is placed in special education for a second year, an individual reevaluation is recommended. Before the third year of special education placement in a class or program an individual reevaluation is required. Individual assessments are not required again until the seventh and eleventh years of the special education student's participation in a program. It is recommended that individual learning aptitude assessments be accompanied by readiness or academic achievement information at the primary, intermediate and early pre-vocational levels. At the latter pre-vocational and work study levels, occupational evaluation information should accompany individual learning aptitude assessments to assist in world of work orientation, career education and work selection.

Physically handicapped students who have been approved for special education placement by a qualified professional, with the exception of homebound and/or hospitalized programs, are not required to have supporting data resubmitted with succeeding application forms. Special permission may be given by the Superintendent of Public Instruction to waive the supporting data requirement for some homebound and/or hospitalized students who are chronically ill and whose health condition is not expected to change.

APPENDIX H

Class and Program Approval Procedure

State school statutes regarding special education provide the State Superintendent of Public Instruction with the authority to conduct special education classes and programs in compliance with policies adopted by the Board of Education in Section 75-7802 as follows:

"Conduct of special education to comply with board of education policies. The conduct of special education programs shall comply with the policies recommended by the superintendent of public instruction and adopted by the board of education. These policies may include, but are not limited to, regulation of class size, class grouping, curriculum, methods of instruction, teacher qualifications, distances of travel to classes or programs, necessary equipment and other special services."

Section 75-7803, subsections 2, 3, and 8 are directly related to provisions concerning approving special education programs. These subsections read as follows: "Duties of superintendent of public instruction. The superintendent of public instruction shall supervise and co-ordinate the conduct of special education in the state by:

- (2) administering the policies adopted by the board of education;
- (3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the board of education;
- (8) approving, as they are established or proposed and annually thereafter, these special education classes or programs which comply with the laws of the state of Montana, policies of the board of education, and the regulations of the superintendent of public instruction."

Section 75-7811 enables the Superintendent of Public Instruction to determine the children requiring special education and the type of special education needed. The State Superintendent shall also determine the approval or disapproval of applications submitted for special education classes and programs in compliance with the laws of the state of Montana, policies of the Board of Education, and regulations of the Superintendent of Public Instruction. The following stipulation in Section 75-7811 allows the State Superintendent to have this authority.

"Determination of need for special education and approval of classes and programs by superintendent of public instruction. The determination of the children requiring special education and the type of special education needed by these children shall not be the responsibility of the trustees but shall be the responsibility of the superintendent of public instruction. Whenever the trustees of any district intend to establish a special education class or program, they shall apply for approval of the class or program by the superintendent of public instruction. The

superintendent of public instruction shall approve or disapprove the application for the special education class or program on the basis of its compliance with the laws of the state of Montana, the special education policies adopted by the board of education, and the regulations of the superintendent of public instruction. No special education class shall be operated by the trustees without the approval of the superintendent of public instruction. Each special education class or program must be approved annually."

The State Superintendent's office administrative procedure for program procedure is illustrated in Section IV of the Tentative Special Education Handbook. These procedures are described as follows:

ON IV. APPROVAL PROCEDURE, PROGRAM PLANNING, BUDGETING, DETERMINATION OF ANB, REPORTING

A. Application Procedure for Approval of Special Education Classes or programs

1. Specific procedures

Approval of advanced budgeting authority will be given to Montana school districts only for special education classes that operate in the ensuing school year. Budgeting authority generated by virtue of having operated a class or program during the previous school year, except individual homebound or hospitalized programs, will not be provided by the State Superintendent's office.

2. Application forms

The revised special education school district application forms (Parts I and II) in Appendix B must be submitted in triplicate to the Superintendent of Public Instruction.

3. Program plans and budgets

School districts will be required to submit program plans and budget report forms with their application forms. (See Appendix B for the budget report.)

4. Applications and reporting dates

Applications for all special education classes or programs anticipated to be in operation during the ensuing school year will be due in the Office of the Superintendent of Public Instruction by the first Monday in February.

School districts will be apprised of the status of their applications by the second Monday in March.

In unusual circumstances applications for special education classes or programs will be accepted after the first Monday in February. The class or program application will not be accepted after the fourth Monday in June. The same application form that is submitted by the first Monday in February is used for this purpose.

School districts will submit program evaluations to the Superintendent of Public Instruction prior to the fourth Monday in June. For this purpose, no set reporting procedure is required insofar as the outcomes of the program are related to the objectives.

At the time of the reporting due date for the annual school trustees report (August 1), school districts will submit a Special Education Expenditure Report. This expenditure report form can be found in Appendix B.

5. Calendar of Special Education Procedures

The office of the Superintendent of Public Instruction will adhere to the following calendar of events for special education application and approval.

- | | | |
|--------------------------|---|---|
| First Monday in February | - | School district applications, program plans and anticipated budgets are due for classes or programs for the ensuing year. |
| Second Monday in March | - | Applicants will be notified of the status of their applications. |
| Fourth Monday in June | - | Applications are due for the unusual circumstances where a late application for a class or program is necessary. |
- School districts must submit to the Superintendent of Public Instruction an evaluation of their special education program for the previous school year.

August 1

- Special Education Expenditure Reports for the preceding school year are due in the County Superintendent's office with the Annual School Trustees' Report.

B. Special Education Program Planning

It will be necessary for each school district having a program of any size to develop a program plan within the district. This plan should involve specific objectives for the education, training and corrective activities which are intended to meet the broad goals of the program. Within the plan, consideration should be given to obtaining the resources which will enable the special education personnel to sufficiently meet the program objectives. Finally, the program should contain evaluative criteria which relate specifically to the program objectives. These criteria will be used to ascertain the effectiveness of the program.

C. Preparation of a Special Education Budget

The special education application procedure will require a budget for special education to be submitted with each elementary and/or secondary school district application and program plan. Prorated regular school program costs may be included in the budget.

Funds may be transferred from one budget line item to another at any time during the school year; however, special education personnel in the district should assist with the planning for the transfer of such funds.

School districts are expected to develop their program plans to provide comprehensive services for handicapped students and use their special education monies to provide the appropriate resources for meeting specific program objectives. Funds budgeted for special education may not be used for programs not directly benefiting handicapped children and youth.

D. Determining ANB for State-Approved Special Education Programs

The following procedures for determining ANB for state-approved programs have been established.

1. Special Education Class (self-contained classroom)

Students enrolled in a self-contained special education class for the mentally retarded or physically handicapped are not included in the regular ANB calculation for the district. ANB for these special education classes is determined as follows:

- a. A self-contained class having not less than seven nor more than twelve students may be counted as 45 ANB and this special education ANB added to the regular ANB for the district.
- b. An approved self-contained special education class having not less than four nor more than six students may be counted on the basis of six ANB per student and this special education ANB added to the regular ANB for the district.

Example

Class of four students

$4 \times 6 \text{ ANB} = 24 \text{ ANB for the class}$

Class of five students

$5 \times 6 \text{ ANB} = 30 \text{ ANB for the class}$

Class of six students

$6 \times 6 \text{ ANB} = 36 \text{ ANB for the class}$

2. Resource Room

A full-time resource room program must have a minimum of seven students and have no more than twenty-four students to earn the maximum of 45 ANB.

Twenty-four ANB may be earned for a program which provides for four students, thirty ANB for five students, and thirty-six ANB for six students; but the students and/or their teachers and parents must be seen a minimum of three days a week for at least two-hour periods.

3. Itinerant Service Programs

a. Speech and Hearing Programs

a student regularly enrolled in school and participating in a speech and hearing program is included in the regular ANB calculation for the district. In addition, the district may obtain supplementary special education ANB for the speech and hearing program. The students participating in such a program may also be enrolled in another special education program but the majority of the case load should be from the regular school program. The speech and hearing

program must be applied for along with the regular special education application by the first Monday in February.

Such special education ANB, calculated as provided below, may not exceed 45 ANB per clinician.

one clinician employed 5 days per week = 45 ANB
(full-time)

one clinician employed 4 days per week = 36 ANB

one clinician employed 3 days per week = 27 ANB

one clinician employed 2 days per week = 18 ANB

one clinician employed 1 day per week = 9 ANB

Varying amounts of the ANB calculation may be awarded when districts share speech and hearing services, but again, the 45 ANB limit may not be exceeded.

When a district requests state approval of a speech and hearing program, the district superintendent must submit a written statement to the Superintendent of Public Instruction indicating the amount of time the clinician will be employed in the speech and hearing program.

b. Homebound and/or Hospitalized Programs

A student enrolled for the entire school year in a full-time individual homebound and/or hospitalized program is not included in the regular ANB calculation for the district. Instead, he may be counted for a maximum of six ANB and this special education ANB added to the regular ANB for the district.

A student enrolled for a part of the school year in a special program is included in the regular ANB calculation for the district for the time he spends in the regular class. He is excluded from the regular ANB but included in the special education ANB for the time he spends in the homebound and/or hospitalized program. School officials must report to the Superintendent of Public Instruction the time the special program was operating. The homebound and/or hospitalized programs may be applied for at any time during the school year and additional budgeting authority will be awarded after the completion of the school year.

The special education ANB for the homebound and/or hospitalized program is obtained by dividing the number of special education days by 180 and multiplying the result by six. The special education ANB so obtained is to be added to the regular ANB calculated from the aggregate attendance and absence while in the school's regular classes. When the student is not enrolled in regular classes because of enrollment in a special program, he is considered as "dropped" from the regular attendance roll for regular ANB purposes.

E. Reporting

1. Attendance Reporting

The Superintendent of Public Instruction should be apprised of any students being added or withdrawn from special education classes or programs.

Student addition or withdrawal forms (see Appendix B) should be submitted to the State Superintendent bi-monthly.

Daily attendance records must be kept on students enrolled in special education homebound and/or hospitalized programs to ascertain if the child should be counted with the regular classroom attendance or be counted in special education.

2. Budget and Expenditure Reports

Appendix B contains copies of the budget and expenditure reports. The Special Education Budget Report is due the first Monday in February and the Special Education Expenditure Report is due in the County Superintendent of School's office on August 1.

3. Special Education Program Report

A Special Education Program Report must be submitted to the State Superintendent by the fourth Monday in June. The report should provide an assessment of the extent to which the program objectives were achieved, and how this progress will be utilized in the development of the ensuing year's program plan.

APPENDIX I

Types of Service Delivery Systems for Districts

Montana school statutes for special education in Sections 75-7803, subsection 11 and 75-7804 require the Superintendent of Public Instruction to enable agencies to coordinate and cooperate in programs which serve young handicapped persons. This is stated in the following paragraphs:

"Section 75-7803. subsection 11

- (11) acting as the coordinating agency with federal agencies, other state agencies, political subdivisions of the state, and private bodies on matters concerning special education, reserving to the other agencies and political subdivisions their full responsibilities for other aspects of the care of children needing special education.

75-7804. Co-operation of state agencies. The state department of health, the department of institutions, and the state school for the deaf and blind shall assist the superintendent of public instruction in discovering children in need of special education, in determining the type of special education for these children, and in generally supervising and co-ordinating special education in the state. Nothing herein shall be construed to interfere with the purpose and function of these state agencies."

Sections 75-7808 and 75-7809 provide alternative methods for special education students to receive services. These alternative methods are described as follows:

"75-7808. Providing tuition in lieu of a special education class or program. In lieu of providing special education in the district, the trustees may arrange for the attendance of a child in need of special education in a special education class or program approved by the superintendent of public instruction and offered in another district within the state of Montana. Attendance at such a class or program shall be approved or disapproved in accordance with the laws governing the attendance of pupils in schools outside of the district.

Whenever a child resides in one elementary district but has approval to attend a special education class or program of another Montana elementary district, the district in which the child resides shall pay the tuition to the elementary district operating the class or program in the same manner as, but twice the tuition rate, prescribed in section 75-7201 for the payment of tuition.

Whenever a child has approval to attend a special education class or program of a Montana high school district outside his county of residence, the county in which the child resides shall pay the tuition to the high school district operating the class or program in the same manner as, but at twice the tuition rate, prescribed in section 75-6317 for the payment of tuition.

75-7809. Out-of-state tuition for special education children. The trustees of any district may arrange for the attendance of a child in need of special education in a special education class or program offered outside of the state of Montana. Attendance at such a class or program shall be approved or disapproved by the trustees and the county superintendent for elementary classes or programs. Such approvals shall not be subject to the out-of-state attendance provisions of the laws governing the attendance of pupils in schools outside the state of Montana.

Whenever the attendance of a child at an out-of-state special education class or program is approved, the officials authorized to approve such attendance may negotiate the amount and manner of payment of tuition. The budgeting provisions of sections 75-7203 and 75-6317 shall apply to these payments of out-of-state tuition."

State Board of Education Policy concerning special education states that "The special education program shall incorporate the many educational arrangements which can be designed to integrate young handicapped persons, whenever possible, into the regular education program and eventually into the mainstream of society."

State Superintendent of Public Instruction program regulations implement the sections concerning such integration practices within or among districts using tuition agreements and sharing services. Section III of the Tentative Special Education Handbook enables districts to have these types of cooperative special education programs. The resource room and itinerant service program patterns are particularly conducive to shared services between and among districts.

These service patterns are illustrated on page four within Section III of the handbook as follows:

- "2. The resource room service pattern provides for handicapped students to leave their regular class placement for one or more periods each day for instruction or special tutoring. Such programs may exist in several locations within one school district or be shared among more than one school district. The teacher must be properly certified and endorsed in special education and may provide education and training for all handicapping conditions. However, the special education course work emphasized in the teacher's training program should be appropriate for the kinds of handicapped students being served.
3. The itinerant service pattern includes services to handicapped students who are enrolled in regular classes. In some cases, special services are supplied directly to individual handicapped persons. In other cases, the regular teacher or parents are given special instruction on how to help the student. Frequently, both direct contact with students and parent and teacher consultation may be provided."

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